

**Superior Town Council
Town Council Meeting**

**Thursday, March 05, 2009
Superior Senior Center
Superior, Arizona**

M_I_N_U_T_E_S

A. Call to Order

Mayor Hing called the meeting to order at 7:05 p.m.

B. Salute to the Flag

Mayor Hing led the council, staff and audience in the pledge.

C. Opening Prayer

Mayor Hing led the Town Council, Staff and audience in an opening prayer.

D. Roll Call

Members Present: Councilmember Cervantes, Second Vice Mayor Lopez, Councilmember Peralta Mayor Hing, Councilmember Aguilar, Councilmember Heglie, & Vice-Mayor Valenzuela

Members Absent: None

A quorum was present and the meeting continued.

E. Consent Agenda

Mayor Hing introduced the items on the consent agenda. The items on the consent agenda for approval were:

Approval of Minutes for Regular Meeting: February 5, 2009 and February 19, 2009
David Montano Scholarship Blanket Permit Request
Brittney Riddle Down Under Bowl Blanket Permit Request
Destiney Olmos Down Under Bowl Blanket Permit

Vice Mayor Lopez made a motion to approve the consent agenda. Councilmember Heglie seconded the motion. The motion passed unanimously.

Mayor Hing introduced Pinal County Sheriff Paul Babeu for attending the council meeting along with his Communications Director Cheryl Chase. Sheriff Babeu thanked the public for their support and explained that when he campaigned he promised not to be a stranger to the communities. He also stated that the Sheriff's office would be providing extra security for the Apache Leap Mining Festival. Mayor Hing thanked Sheriff Babeu for the additional security.

F. Communication

1. Managers Report

Mayor Hing explained that there has been a written complaint about the Town Manager. He asked the council to review the complaint and speak with the manager directly regarding this complaint.

Ms. Oliver introduced Chamber President Hank Gutierrez who gave a brief update on the upcoming Apache Leap Mining Festival. Mr. Gutierrez reviewed the timelines of the street closures and security details as well as reviewed the overall schedule of events for the weekend.

Ms. Oliver answered questions in regards to her written report. She explained that she would be submitting a rebuttal to the article in the Copper Country News regarding the abatements, foreclosures and delinquent sewer bills. She explained that the article made it seem as if it was all one issue and many key details were left out.

Ms. Oliver also explained that before the CDBG dollars can be spent on the Magma Club they will have to spend the CDBG dollars to complete the pool project.

She gave a positive update that Copper Net will soon be plugged into the necessary system and will be able to provide internet service. Ms. Oliver also stated that WiVod may owe the town money for

taxes and wage garnishment regarding WiVod continues.

Mayor Hing also stated that the local cable company Eagle West Communications is under investigation and their customers lost their cable service. He reported that Dish Network and Direct TV have been advertising specials for residents to sign up with them.

Ms. Oliver reported that there has been no response from the owners of the Magma Hotel. She stated that the real estate attorney will begin the foreclosure process. She also updated the council on the proceedings against Dr. Wilt. She stated that he had 7 code violations for dilapidated structures and he was found guilty and fined \$800.00. Mr. Beers explained that this was a criminal process not a civil process so the judge cannot order him to clean the areas only pay the fines associated with the verdict.

Public Safety Report

Chief Digirolamo explained that they picked up the suspect from the Kizer Street raid. He gave a brief update on the surplus auction on March 28, 2009. He also reported on which officers take their police cars home and who does not.

Chief Digirolamo also thanked Sheriff Babeu for assisting the town during the Apache Leap Days. Vice Mayor Valenzuela also explained that the Sheriff will also be providing 10 inmates to assist with the Community Pride day on April 4, 2009.

G. Business

Possible Discussion and/or action on the following facility.

Presentation of Draft Pinal County Comprehensive Plan – Jerry Stabley, Pinal County

Mr. Stabley gave a detailed presentation regarding the Pinal County Comprehensive plan. He reviewed some of the changes that were made since the last time they made a presentation to the council and he also reviewed the process the plan will go through prior to being approved by the Pinal County Board of Supervisors.

He explained that the goal of the county is to have 500 jobs for every 1000 people in the population. He reviewed the plans for open spaces and trails and also gave a presentation on the transit plan. Mr. Stabley thanked the Council and the community for their participation in the process to develop these plans. Members of the audience made various comments regarding their opinion of the plan.

Discuss/Approve/Reject Resolution 498 Endorsing and supporting the draft Pinal County Comprehensive plan.

Ms. Oliver read the resolution by title only. Councilmember Heglie made a motion to approve resolution 498. Councilmember Peralta seconded the motion. The motion was approved unanimously.

Discuss/Approve/Reject Lets Talk Trash request for a donation of 5 roll-offs and \$350.00 to help pay for flyers, food, and drinks for the Community Pride day on April 4th. – Sue Anderson

Ms. Anderson reported that they have postponed the desert cleanup and would combine it with the Community Pride day. She stated that she is still waiting on official word from Resolution Copper regarding the roll offs they will be donating. Mayor Hing stated that he is overriding the manager's recommendations to not purchase so much because of a limited budget. Mayor Hing explained that the community has worked hard to get this program going and he did not want to see it loose momentum because it has become a vital part of the community. Discussion followed on the location of the roll offs and other logistics of the event.

Mayor Hing made a motion to approve the 5 roll offs and \$350.00 for the food, drinks and copies for the event. Councilmember Aguilar seconded the motion. The motion passed unanimously.

Ms. Anderson thanked Sheriff Babeu and Vice Mayor Valenzuela and Councilmember Cervantes for helping to bring the 10 inmates to the community pride day.

Discuss/Approve/Reject MOU regarding reimbursement of overtime and ERE costs incurred due to Pinal County local law enforcement agency participation in the Governors Office of Highway Safety Contract for the High Visibility Impaired Driving Enforcement Program – Chief Digirolamo

Chief Digirolamo explained that the Sheriff's office received a grant of \$65,000 for DUI

enforcement. He explained that the MOU would allow for Superior Police Department officers to work overtime at DUI related enforcements or sobriety checkpoints and the grant would pay for the overtime. Discussion followed on when and where the DUI checkpoints, and events would take place. He also explained that this grant was only for one year and they would be sharing the funds with other agencies throughout the county.

Vice Mayor Lopez made a motion to approve the MOU. Councilmember Aguilar seconded the motion. The motion was approved unanimously.

Discuss/Approve/Reject list of surplus items for auction – Chief Lou Digirolamo

Chief Digirolamo explained that the auction will be held on March 28, 2009 and a preview of the auction items will be on Friday, March 27, 2009. Both the auction and preview will be held at the old fire station building. He stated that the items currently up for auction are items from the Police department potentially including some seizure vehicles, and items from the fire department and public works department. He reported that there will be a reserve amount set on several of the items and that they are looking for a volunteer to serve as the auctioneer because they are not contracting a auction house.

Vice Mayor Valenzuela made a motion to approve the items including any other lists of items that may be submitted prior to the auction. Councilmember Heglie seconded the motion. The motion was approved unanimously.

H. Call to the Public

Mr. Jim Gilbert-expressed his concern that a local man had committed suicide and even though he (Mr. Gilbert) had notified the police department and mental health agency no one did anything to prevent the incident. He stated that he was very angry over this and did wanted to express his concern that we cannot let these things slip through

Mr. Fred Miramon – passed out a handout regarding the parks and recreation budget. He expressed his concern that the US 60 park is not being maintained and that the children's play area is not in any shape for children to really enjoy. He reviewed what needed to be repaired and what could be improved on

Mr. Richard Green-explained that he found five major violations and oversights regarding this elections cycle and the newest one was in regards to early ballot requests. He explained that the town is responsible for following the laws regarding title 16 however they seem (the town) to be in the habit of not holding elections properly.

Mr. Roy Chavez – stated that he had long been involved with the Town of Superior as a Councilmember, Mayor and Town Manager. He stated that he had received many phone calls as to whether or not it was legal for the town to foreclose on properties because of sewer bills etc. He passed out packets regarding the home rehab and working through other social agencies to provide utility payment assistance and home rehab to residents. He encourage the staff and council to review the information and try to implement these programs in Superior. He also expressed that he has always been opposed to the Resolution Copper project even when he was working with the town. He stated that there they paint a very pretty picture but they just cant be that great. He encouraged the council and the public to see what the Arizona Mining Reform group has to say about the project and Senate Bill 409.

Mr. Billy Preciado – he expressed his concern regarding the US 60 Park. He explained that his back yard faces the park. He expressed his concern that there is not enough parking in that area to accommodate the amount of people at the horseshoe tournaments. He suggested the scrape parts of the area off to make more of a parking area.

Mr. Hank Gutierrez-commended the explorer group. He stated that he saw them marching and he was amazed at how great they looked. He encouraged them to keep up the good work. He also commented that he agreed with Mr. Chavez that the town needs a social net to fill in the gaps where people need help he explained that this is also a critical part of economic development.

Mayor Hing announced that there were items for Executive Session. Mayor Hing explained that it was time to do an evaluation on the Town Manager and that she provided in writing a request to waive her right to a closed executive meeting and to have her review done in an open public meeting. – The meeting continued

Interim Town Manager Review

Mayor Hing asked Ms. Oliver to provide an opening statement.

Ms. Oliver explained that on March 7th 2008 she was asked to begin the transition from Deputy Town Clerk to Interim Town Manager due to the resignation of the previous town manager. She explained that over the course of the year she has been able to get many projects completed or moved along. Those projects include: Completion of the Fire Station, getting the Highlands fence put back up, completing the general plan amendments, began a strong code enforcement process and created the board of appeals, reorganized the public safety department and began the Main St. project.

She explained that when having the transition meeting with Mayor Hing, Ms. Cordova and Vice Mayor Valenzuela it was brought up the collection of delinquent sewer bills. Ms. Oliver reviewed that process that she took to collect the sewer bills.

Published the delinquent accounts in the newspaper

Sent demand letters - not all property owners responded to the demand letters although this did get the attention of some residents who did come to make payment arrangements although some that made arrangements did not keep them.

Researched the different ways to collect on the bills and brought the ways to council for approval.

Those items were

Cap the sewer lines

Start a lien/foreclosure process

Small claims court

She reported that the council voted to allow the manager to begin one of these processes to collect the sewer bills at her own discretion.

Mayor Hing stated that Ms. Oliver constantly brought the list to council and kept the council up to date on the process. He stated that at times other members have been absent. He stated that Ms. Oliver went door to door trying to talk with these property owners and trying to work with them. He also stated there were only four ways a person's home could be foreclosed on:

Bank Foreclosure

Court Foreclosure

Tax Foreclosure

Utility Foreclosure

Mayor Hing explained that this is a sad process however people are starting to take the process seriously.

Ms. Oliver reported that the funds used to start the foreclosure process were taken out of the contingency funds so it did not affect the working budget. She also explained that once the property goes into foreclosure and the home is sold and all proceeds above and beyond the amount owed goes to the property owner.

Councilmember Valenzuela stated that he thought we were taking baby steps and these are giant steps we (the council) did not know about

Heglie – said we have been taking baby steps for 6 years and we have to do something

Code Enforcement Issues

Ms. Oliver stated that the article printed in the paper (Copper Country News) did not have correct information. She explained the entire process that that the Stone property went through. She explained that the property owner was notified and was given 2 different public hearings and the town even granted him an extension by filing the appeal for him. She stated that he had a building permit however he failed to complete or even start the work. She stated the property is currently in the lien process.

Vice Mayor Lopez explained that it was perceived in the public that the home was just taken away however the property owner was given fair notice and opportunity to fix the situation. She suggested that Ms. Oliver include that in her rebuttal to the press. Ms. Oliver explained that they will also be including the rebuttal in the sewer bills.

Councilmember Aguilar – asked what was next on the abatement list. Ms. Oliver explained that they can only really go after these possible abatements once there are funds available. She said the next on the list is a burnt out structure on South Ave.

Final Comments – Mayor Hing asked for any last comments regarding the Managers evaluation.

Vice Mayor Valenzuela - Explained that he was approached and was offended regarding a comment that was made at a staff meeting. He stated that he took this comment to heart. He said that a staff member brought it to his attention. Ms. Oliver requested to know what the comment was.

Vice Mayor Valenzuela stated that the comment he heard that Ms. Oliver was: "they should take the van to Algodones Mexico and pick up illegals and leave them in the desert". He said he took great offence to that and he also wanted to know why staff was told not to attend the council meetings any more.

Ms. Oliver explained that in a staff meeting they discussed using the van that was acquired by the town during a seizure that they could use it for medicine runs to Mexico. However she would like to have that van used as a mobile vehicle repair unit for the towns mechanic to use. She requested that the Mayor conduct an internal probe regarding the comment.

Ms. Oliver also stated that she requested staff not attend the meetings at this time because councilmember's belittle her and the staff should not see that as it can ruin her authority with staff.

Mr. Valenzuela stated that he thinks staff needs to attend the meetings because they are department heads.

Councilmember Heglie – requested that evaluations be done every six months and that there should be some kind of employee performance standards. He also stated that Ms. Oliver has been at an interim status too long and he would like to start the process to make her permanent.

Mayor Hing – explained that he supports the Town Manager and stated that she is doing an excellent job. He said that he told Ms. Oliver that as long as he was not hearing complaints from the public that they were not able to be helped at town hall she would be fine. He reported that since Ms. Oliver has been the interim manager he has not had complaints that people are trying to get the help at town hall. Mayor Hing also acknowledged that Ms. Oliver has met with the individuals on the sewer bill collection and the abetments even going door to door to meet with them personally. He stated that is time consuming and exhausting work. He also said that he appreciates that she is involved with the community out side of work and that she is active in the Optimist Club and the Chamber.

I. Executive Session

The Town Council may or may not vote to go into Executive Session pursuant to ARS 38-431.03 (A-1), (A-3) & (A-7)

(A-1) – Personnel

(A-3) – Legal Advice with Attorney

(A-7) – Legal Advice on Sale, Lease, or Purchase of Real Property:

J. In Public Session:

K. Council Comments

Councilmember Heglie

Thanked Ms. Oliver for doing a good job.

Councilmember Cervantes

Thanked Ms. Oliver for always having an open door and some times he just has to make sure he is still on her radar. He said that lots of things are getting done and stated that Superior is going somewhere. He said he hopes they keep her as manager.

Councilmember Peralta

Stated that Ms. Oliver is doing a good job, she just thinks that at times she may come on too harsh, She suggested that Ms. Oliver take it down a notch.

Councilmember Aguilar

Thanked Ms. Oliver for always taking her phone calls.

Second Vice Mayor Lopez

Thanked Ms. Oliver for doing a good job. She stated that Ms. Oliver is on the right track and she would not want the job of the manager. She stated that she liked the fact that Ms. Oliver is not biased and treats everyone the same. She also stated that she can tell Ms. Oliver's heart is in the right place.

First Vice Mayor Valenzuela

Stated that he is working with CHARA to help with utility assistance and rehabilitation for our residents. He stated that CHARA has reported that there will be a lot more dollars available for rehabilitation and utility assistance for residents. He stated that CHARA will be coming to Superior in about one to two weeks to talk about the new programs.

Mayor Hing

Explained that there is a definite need for a social net to help people when they get caught in these situations of delinquent utilities and in need of housing rehab. He said that he would like to see the economic development committee gather support to build this network and evaluate the housing stock in the community. He also stated that he would be contacting the residents who expressed their concerns about these topics so they too could get involved to help build this network.

L. Adjournment

Councilmember Peralta made a motion to adjourn the meeting. Vice Mayor Lopez seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:07 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Superior held on the 5th day of March 2009. I further certify that the meeting was duly called and held and that a quorum was present.

/s/
Melanie Oliver _____
Melanie Oliver
Interim Town Manager

These minutes have been transcribed and compiled by
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